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Washington, DC 20004-1206**Fax Transmittal**

July 25, 2006

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CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.144	5230	We are transmitting 3 page(s) (including this cover sheet)
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MESSAGE		

Re: Appeal No. 2006-0458; Conf. No. 6609;
U.S. Patent Appln. Ser. No. 09/606,977 filed June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Inventor: Joseph R. BYRUM
Atty. Docket: 16517.144

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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July 25, 2006

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Appeal No. 2006-0458
Confirmation No. 6609

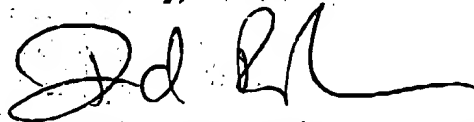
Re: U.S. Patent Application Serial No. 09/606,977 filed June 28, 2000
Inventor: Joseph R. BYRUM
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.144

Sir:

Transmitted herewith for appropriate action by the Board of Patent Appeals and Interferences is an Express Abandonment under 37 C.F.R. § 1.138(a).

Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.144.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

David R. Marsh (Reg. No. 41,408)

July 25, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph R. BYRUM

Appln. No.: 09/606,977

Filed: June 28, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 6609

Art Unit: 1631

Examiner: M.P. Allen

Atty. Docket: 16517.144

Express Abandonment Under 37 C.F.R. § 1.138(a)

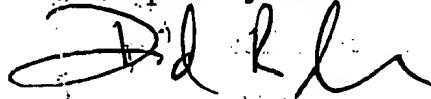
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/606,977 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on July 24, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on July 24, 2006.

Respectfully submitted,



Filed: July 25, 2006

David R. Marsh (Reg. No. 41,408)
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Fax: 202-942-5999

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Mangard) via facsimile number 571-273-0299.


David R. Marsh (Reg. No. 41,408)

July 25, 2006
Date